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COMMENT:

PAGE 1/26 * RCVD AT 6/4/2005 1:10:31 AM [Eastern Daylight Time] * SVR:USPTO-EFAX-1/1 * DNIS:8729306 * CSID:8584533574 * DURATION (mm-ss):11-06

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John S. FOX) Confirmation No.: 6732
Serial No.: 09/641,667) Group Art Unit: 1641
Filed: August 18, 2000) Examiner: CHEU, Changhwa
For: High sensitivity biomolecule detection with magnetic
particles
Atty's Docket No.: FOX 0001P)

San Diego, California
June 3, 2005(SIGNED) COPY OF AMENDMENT UNDER 37 C.F.R. §116
(PREVIOUSLY SUBMITTED)

Box Amendment (No Fee)
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
attn: EYES ONLY
Legal Instruments Examiner Carolyn Thomas
Art Unit 1641

Dear Madame:

In accordance with the attached 'Notice of Non-Compliant Amendment', a copy -- now showing the signature evidently NOT on the copy within the PTO -- of Applicant's Amendment originally filed on April 25, 2005, is attached.

Serial No.: 09/641,667

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This facsimile transmission is timely within one month of said Notice.

Sincerely yours,



William C. Fuess

Registration Number 30,054

William C. Fuess

FUESS & DAVIDENAS

Attorneys at Law

10951 Sorrento Valley Road

Suite II-G

San Diego, California 92121-1613

Telephone: (858) 453-3574 after 2:00 P.M. P.S.T.

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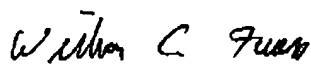
E-mail: FandD@ricochet.com

[X] Attorney of Record

[] Filed Under 37 CFR §1.34(a)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at the 703-872-9306 facsimile number of (care of) Examiner Jacob Cheu, Art Unit 1641, on the date and time written below.

June 3, 2005, 10:00 P/M/ P.S.T.
DateWilliam C. Fuess
Typed Name of Person
Faxing Correspondence
Signature of Person
Faxing Correspondence

Best Available Copy



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

S.N. 09/641,667

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on *04/28/05* is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: *Document is not signed by attorney of record*

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opa/prognotice/officetvcr.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Carlyle E. Thomas
Legal Instruments Examiner (LIE)

571-272-0558
Telephone No.

Rev. 6/04

Rest Available ~